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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/510,429	10/06/2004	Jean-Pierre Martiniere	5284-47PUS	8486
27799 7590 05/30/2007 COHEN, PONTANI, LIEBERMAN & PAVANE 551 FIFTH AVENUE SUITE 1210 NEW YORK, NY 10176			EXAMINER KIM, HEE SOO	
			ART UNIT 2109	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/510,429

Applicant(s)

MARTINIERE, JEAN-PIERRE

Examiner

Hee Soo Kim

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 4/04/2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 7, 14-16, 19 and 28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7, 14-16 and 28 is/are rejected.
- 7) ☒ Claim(s) 19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on _____ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 10/6/2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 10/6/2004 was filed after the mailing date of the application on 10/6/2004. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1~3, 15, 16, 28 rejected under 35 U.S.C. 102(e) as being anticipated by Koritzinsky et al hereinafter Koritzinsky (U.S Patent# 6,598,011).

Regarding Claim 1, Koritzinsky discloses in Figure 1, "Where more than one of medical diagnostic system is provided in a single facility, these may be coupled to a management station 70. The management system may include a computer workstation or personal computer 72 coupled to the system controllers in an intranet configuration, in a file-sharing configuration, a client/server arrangement, or in any other suitable

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manner. Moreover, management station 70 will typically include a monitor 74 for viewing system operational parameters, analyzing system utilization, and exchanging service requests and data between the facility 20 and the service facility 22 (Column 6, Lines 5~20). The communication modules mentioned above, as well as workstation 72 and field service units 24 may be linked to service facility 22 via a remote access network 80 (Column 6, Lines 33~35). The data sent to the remote service facility are "received by communication components 82. Components 82 transmit the service data to a service center processing system 84. The processing system manages the receipt, handling and transmission of service data to and from the service facility. In general, processing system 84 may include one or a plurality of computers as well as dedicated hardware or software servers for processing the various service requests and for receiving and transmitting the service data (Column 6, Lines 49~60). Furthermore, Koritzinsky discloses a "system 18 includes a communications module 62 for transmitting service requests, messages and data between system controller 60 and service facility 22 (Column 5, Line 67)."

Regarding Claim 2, Koritzinsky discloses as stated in Claim 1. "...management station 70 will typically include a monitor 74 for viewing system operational parameters, analyzing system utilization, and exchanging service requests and data between the facility 20 and the service facility 22 (Column 6, Lines 16~20). Koritzinsky further explains, "...the term "service request" is intended to include a wide range of inquiries, comments, suggestions and other queries or messages generated by a diagnostic system or an institution in which a system is disposed or managed. In particular, such

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requests may relate to problems occurring on systems... (Column 4, Lines 63~Column 5, Line 4)."

Regarding Claim 3, as stated in claim 1 above, service requests encompass diagnosis and adjustment steps made to the remote service facility for diagnostic repairs.

Regarding Claim 15, Koritzinsky discloses the "service requests and data transmitted between the systems and the service facility includes data for identifying the type and modality of the serviced system, as well as data specifically adapted to the system modality and model (Column 4, Lines 58~62)

Regarding Claim 16, the claim is rejected for analogous reasons of claims 1~3.

Regarding Claim 28, the claim is rejected for analogous reasons of claims 1~3 and 14.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4, 7, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koritzinsky et al (U.S Patent# 6,598,011) in view of Takahashi et al hereinafter Takahashi (U.S Patent# 5,123,017) in further view of Garland et al hereinafter Garland (U.S Patent# 5,812,656).

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Regarding Claim 4, Koritzinsky does not disclose the ability to allow the user to repair the malfunction and if not possible, the repair is intervened by a repair service technician. However, Takahashi discloses in Figure 1, a terminal for diagnosis provided in the semiconductor equipment control server 20 through which all pieces of the semiconductor manufacturing equipment 10 of each user access the diagnostic equipment 70. In this system, it is possible to omit the server 20 and place a diagnostic terminal in each piece of semiconductor manufacturing equipment 10 or in the Internet server 40 to access the diagnostic equipment from this terminal. The diagnostic equipment 70 is used to diagnose the semiconductor manufacturing equipment 10 at the user's judgment. The user determines whether to carry out a diagnosis and can access the diagnostic equipment 70 from each piece of the semiconductor manufacturing equipment 10A to 10N (Column 7, Lines 1~34).

Therefore, it would have been obvious for one with ordinary skill in the art at the time of the invention was made to combine the teachings of Koritzinsky with those of Takahashi by modifying Koritzinsky's invention to either include a diagnostic terminal or software program loaded into the communications module, allowing the user to connect to the service facility servers for diagnosing the equipment. If the user isn't able to diagnose the problem, the service engineers at the service facility assigned to the particular service request generated by the management system and communications module would perform a diagnosis on the equipment.

Regarding Claim 7, Koritzinsky does not disclose the provided levels of diagnosis and adjustment. However, Takahashi discloses a diagnostic equipment attached to the

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diagnostic system of figure 15 has diagnosis levels 1 to N. In this diagnosing system, the highest-level diagnosis can contain analysis and consultation by professionals of Company A. Furthermore, when Company B tries to perform a diagnosis of a higher level with a permission from Company A, the system can be so constructed that the input and output data in the preceding level may be automatically disclosed to Company A. Alternatively, the diagnosis of the lowest level can be offered free of charge (Column 20, Lines 17~27).

Therefore, it would have been obvious for one with ordinary skill in the art at the time of the invention was made to combine the teachings of Koritzinsky with those of Takahashi for the purpose of providing levels of diagnosis and adjustment by modifying Koritzinsky's system to provide basic diagnostic test of the equipment by the service facility through the communications module; if not successful, the data would be sent to the management station 70 where operational parameters is further logged and sent to the service facility 22 (at the highest level) in which, the service engineers at the service facility assigned to the particular service request generated by the management system, will perform a diagnosis on the equipment.

Regarding Claim 14, "A method according to claim 1, in which, on detecting an emergency event relating to the equipment (2) to be inspected, the communications module (1) makes a priority connection to a "black box" server (8) and transmits data relating to the equipment (2) to be inspected thereto.

Koritzinsky discloses the service request page allows the user to identify whether the request is urgent (Figure 8 and Column 13, Lines 49~53). The page is transmitted from the communications module to the remote diagnostic system server where the server determines the type and location of data that may be required for addressing the service request at the service facility. Such data may be backed up or stored in the database 88 of Figure 1 (particularly used for servicing particular diagnostic systems and for tracking such servicing (Column 7, Lines 4~6)) located at the service facility. The invention however, does not explicitly state a priority connection is made from the communications module to the server in the event an emergency occurs. However, Garland discloses an invention using a connection having a predetermined priority, implemented such that a "busy-low priority" connection is disconnected if an incoming call to one of the CPEs is made that has a higher priority than the predetermined priority (Abstract and Column 5, Lines 3~13). Furthermore, the CPE consists of a terminal or equipment connected to the calling unit 50 facilitated to monitor the equipment in real-time (Column 3, Lines 31~62).

Therefore, it would have been obvious for one with ordinary skill in the art at the time of the invention was made to combine the teachings of Koritzinsky with those of Garland by modifying Koritzinsky's invention to include in the network, a switching system or implement the methods of said system into the remote server that will serve to determine the type of connection incoming from the equipment. The combination will allow the remote server, monitor data sent by the communications module to determine if any diagnosis is an emergency. All the data sent is given low-priority status unless in

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the event the diagnosis is an emergency, the communications module sends the data to the black box that handle the specific service request via a dedicated line similarly achieved by direct connection of the calling unit in Garland's invention.

Allowable Subject Matter

Claim 19 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hee Soo Kim whose telephone number is (571) 270-3229. The examiner can normally be reached on Monday - Friday 7:30AM - 5PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marvin Lateef can be reached on (571) 272-5026. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO

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Customer Service Representative or access to the automated information system, call
800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HSK
5/16/07


MARVIN LATEEF
SUPERVISORY PATENT EXAMINER